

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JOHN C. BLAND
Plaintiff,

v.

STATE OF TENNESSEE, et al.
Defendants.

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No. 3:10-0035
Judge Trauger

M E M O R A N D U M

The plaintiff, proceeding *pro se*, is an inmate at the West Tennessee State Penitentiary in Henning, Tennessee. He brings this action pursuant to 42 U.S.C. § 1983 against the State of Tennessee and the Tennessee Department of Correction, seeking injunctive relief and damages.

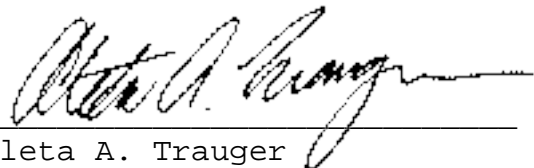
The plaintiff alleges that he has been the victim of identity theft. He also complains that he has been charged with fines that were never levied against him, that his personal property has been stolen, that he was a victim of food poisoning and that some of his mail has been lost.

The Eleventh Amendment bars a suit in federal court by a citizen against a state and its agencies unless the state has expressly consented to suit by waiving its sovereign immunity or Congress has clearly overridden that immunity. Pennhurst State School and Hospital v. Halderman, 104 S.Ct. 900, 908 (1984); Will

v. Michigan Department of State Police, 109 S.Ct. 2304, 2312 (1989). Congress has not overridden a state's sovereign immunity to civil rights complaints. Moreover, the State of Tennessee has not consented to waive its immunity to such actions. Berndt v. Tennessee, 796 F.2d 879 (6th Cir.1986). As a consequence, the plaintiff has failed to state a claim against these defendants because they are cloaked with the immunity provided under the Eleventh Amendment.

When a prisoner plaintiff proceeding in forma pauperis has failed to state a claim upon which relief can be granted, the Court is obliged to dismiss his complaint *sua sponte*. 28 U.S.C. § 1915(e)(2).

An appropriate order will be entered.

A handwritten signature in black ink, appearing to read "Aleta A. Trauger", is written over a horizontal line.

Aleta A. Trauger
United States District Judge